

MINUTES OF THE MEETING OF FEBRUARY 11, 2008

The regular meeting of the Frelinghuysen Township Zoning Board of Adjustment was held in the Municipal Building, 210 Route 661, Johnsonburg, New Jersey on Monday, February 11, 2008 and was called to order at 7:30 p.m. by Chairman Stracco.

SUNSHINE LAW STATEMENT:

Adequate notice of this meeting was provided by posting notice on the Township bulletin board and by faxing notice to the Star Gazette and New Jersey Herald on January 5, 2008.

ROLL CALL:

The following members were present: Kevin Bailey, Howard Jungkind, John Ponczek, Donald Soisson, Christopher Stracco, Russell Walters. Alternates present were: Shannon Drylie and Chip Greene. Member Max Klein was absent.

MINUTES:

The minutes of the meeting of January 14, 2008 were approved on motion made by Drylie, seconded by Jungkind. All in favor.

OLD BUSINESS:

Mr. & Mrs. James DiCarlo, Block 801, Lot 11 along with their attorney Michael Selvaggi appeared before the Board seeking a variance to construct a second single family dwelling and making the existing structure an accessory guesthouse.

This being a public hearing, it was noted that the applicants had complied with the mailing of certified letters and had noticed surrounding property owners by certified mail.

Mr. DiCarlo was sworn in and testified that he purchased the 52 acre parcel in 2005 and wishes to build a 5300 square foot home on 24.33 acres.

James Glasson, Professional engineer for Civil Engineering in Budd Lake, New Jersey gave an overview of the property. Presently 10 acres of the property has 25% slopes and the remainder has 15% or less. Septic approval has been received for a four bedroom home. A shelf on the knoll will be created to place the house.

The Storm water management plan will be submitted later. Mr. Golden brought to the attention of the board of the COAH deficiencies of affordable housing units in the Township Mr. Selvaggi asked Mr. & Mrs. DiCarlo if they would consider deed restricting

the property from further development. The Board was advised that they wish to put the property in Farmland Preservation but do not want to take the development rights away.

Engineer Golden advised it was the intent of the township ordinances to regulate steep slopes and asked for the positive and negative impact. The application set forth a case of hardship in that the topography of the property limits the sites on which to construct a home. The variance is reasonable under the specific circumstances of this site as the lot is in excess of twenty (20) acres and visual impacts will be minimal. The applicants also demonstrated that this variance will not substantially impair the public good nor will it substantially impair the intent and purpose of the zoning in that the request is reasonable.

The accessory dwelling can not meet the standards as it will now be in the front yard and will be not 25% of the primary home. The positive criteria with this home is that it meets the front yard setbacks and the focus should be on the garage. The negative criteria was satisfied by the visual buffer based on the setbacks, the distance from the road and the project is 20 plus acres.

Chairman Stracco opened the meeting to the Board members for their comments and questions:

- Chip Greene-did not think it is the Board's decision to ask them to move the house.
- Russ Walters-would like to walk the site
- John Ponczek-asked what the impact of the soil removal if the site was moved to the septic location.
- Howard Jungkind-how does this impact us with the Highlands regulations

The meeting was opened to the public and there were no comments.

Motion was made by Greene, seconded by Jungkind to approve the variance subject to the standard conditions. All in favor.

Paula Jensen of Silver Lake Road addressed the Board regarding a business across the street that she feels is a land use violation. The Land Use Board that was in effect in 2006 approved an interpretation application that she feels should have been a "D" variance. She further stated that the resolution was never approved by the Land Use Board as it was abolished and the Board of Adjustment reinstated. This interpretation has continued to be allowed to function as a D variance and she has made complaints to the Zoning Officer, Planning Board and Township Committee. She stated that the Planning Board attorney, Michael Lavery has decided that the defaulted document is a 1991 variance that decrees the grandfather right of the property is supposed to be an auto body shop, however, the objects associated with the auto body shop have been removed. She filed a complaint with the Zoning Officer on July 15, came before the Board of Adjustment on Sept. 10th and sent a letter to the Township Committee on Jan. 11th asking for a cease and desist order

While reading over the September minutes she realized that there is a letter missing that the Board of Adjustment was going to write to the Township Committee asking them to direct the Zoning Officer to enforce the resolution. This letter was never done and she doesn't understand why this letter was never done and why the Board didn't pick up the fact in the minutes the following month. Ms. Jensen requested that the Board write the letter as stated in the September minutes.

Chairman Stracco cited a text permitting the Board of Adjustment to notify the Zoning Officer of an violation, however, Mr. Palmer recommended that he be authorized to review Ms. Jensen's paperwork, talk to Mr. Lavery, review the resolution and give his opinion as to how to handle the matter. Approval was given for Mr. Palmer to proceed.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Brenda J. Kleber, Secretary